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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,680	12/03/2001	Michael Wayne Brown	AUS920010945US1	9585
7590 03/24/2004				
AMY J PATTILLO PO BOX 161327 AUSTIN, TX 78716		EXAMINER UBILES, MARIE C		
		ART UNIT 2642		PAPER NUMBER 7
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,680

Applicant(s)

BROWN ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on December 30, 2003 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-35 are still pending in this application, with claims 1, 8, 15, 19, 25 and 31 being independent. Please note that the application is now being examined by Examiner Marie Ubiles.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 and 11 recite the limitation "said format" in line 2.

Claim 5 and 12 recite the limitation "said format" in line 3.

Claim 6 and 13 recite the limitation "said hold system" in line 4.

There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-2, 4-5, 7-9, 11-12, 14-16 and 18-21, 25-27 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Coussement (US 2002/0055967).

As for claim 1, Coussement discloses software-hardware driven system for improving the reporting of communication-center presence information to prospective communication-center clients (i.e. a method for publishing call queue characteristics) (See Description of the Preferred Embodiments, P. 0041, lines 1-5), wherein the communications center 21 is provided with a status server 49 for monitoring agent status and availability for receiving incoming communication events, how many calls do agents have in their respective queues, and estimating estimated waiting times for each queue of each agent (i.e. monitoring a plurality of characteristics of an hold system) (See Description of the Preferred Embodiments, P. 0056, lines 1-21), the user 9 (i.e. caller) accesses the Internet 61 and enters information (i.e. selection by a caller), such as, product description, profile information, or a purpose of contact on a Web form; the Web form is sent to the communication center by the caller when selection is finished, and based on entered information the caller receives a client-side media interface 69 (See Fig. 2) with agent-availability status (i.e. responsive to a selection by a caller of a format for publishing said plurality of characteristics, transferring said plurality of

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characteristics to said caller in said selected format.) (See Description of the Preferred Embodiments, P. 0058, lines 1-14; P. 0059, lines 1-9; P. 0066, lines 1-6).

As for claim 2, Coussement discloses that status information of the center includes the estimated time waiting for agent availability with respect to each call queue (e.g. 5 COST call waiting, 5 IP calls waiting, etc) (i.e. wherein monitoring a plurality of characteristics further comprises, monitoring an estimated activity status of said on hold system) (See Description of the Preferred Embodiments, P. 00621-6)

As for claim 4, Coussement discloses that the agent-availability status (i.e. plurality of characteristics) can be displayed as part of a Web page, a pop-up information window, an instant message interface, or any other computerized mechanism (i.e. wherein said format for publishing said plurality of characteristics further comprises a graphical format) (See Description of the Preferred Embodiments, P. 0066, lines 3-10).

As for claim 5, Coussement discloses that the user utilizes a PC (i.e. interface) with an instance of software Customer Presence Software 10, which is adapted to integrate communication-center status information into a customer's electronic interface served upon customer's request (i.e. wherein transferring said plurality of characteristics further comprises transferring said plurality of characteristics in said format to an interface specified by said caller) (See Description of the Preferred Embodiments, P. 0051, lines 1-8).

As for claim 7, Coussement discloses that Web Presence Software (WPS 16) is enhanced with a filtering capability of filtering status information that closely matches a

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user request (or *output preferences for said caller*) (i.e. filtering a preferred selection from among said plurality of characteristics according to output preferences for said caller) (See Description of the Preferred Embodiments, P. 0061, lines 1-5).

4. Claims 8, 9, 11, 12 and 14 are apparatus claims that correspond directly to method claims 1, 2, 4, 5 and 7 respectively, and therefore are rejected under the same rationale.

5. Claims 15, 16 and 18 are apparatus claims that correspond directly to method claims 1, 5 and 7 respectively, and therefore are rejected under the same rationale.

6. Claims 19-20, 25-26 and 31 are claims that correspond directly to method claim 5, and therefore are rejected under the same rationale.

7. Claims 21, 27 and 32 are claims that correspond directly to method claim 7, and therefore are rejected under the same rationale.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 6, 10, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coussement (US 2002/0055967) in view of Ginsberg (US 6,064,730).

As for claim 3, Coussement discloses the invention as claimed, except for the step of caller being currently on hold within said on hold system.

Ginsberg teaches "Besides ascertaining the agent's availability, the customer will also see a representative of the estimated wait time for that agent's queue, as shown on display field 169. Control module 275 and interactive display server 200 will generate a queue icon, e.g. button 182, in Fig. 4, enabling the customer to enter himself on that agent's queue 171, and, will additionally generate a graphical representation on the customer's display that the customer has entered the queue 171. Alternatively, if the customer does not want to wait, the customer may click button 181 allowing him to leave a message or voice mail either to a specific agent or, to a virtual room containing a number of agents." (See Detailed Description, Col. 5, lines 15-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Coussement's system by adding the feature of enabling the customer (i.e. caller) to enter himself on an agent's queue, as taught by Ginsberg;

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and thus in this manner the customer can decide to stay on hold or leave a message for call-back based on his position on an agent's queue.

As for claim 6, Coussement discloses the invention as claimed, except for the step of monitoring an expected subject matter selection of a plurality of calls currently on hold within said hold system.

Ginsberg teaches "Furthermore, as shown in FIG. 4, the agent's skills will be displayed in display field 168, such that a customer only concerned with red widgets, for example, will know to contact agent 165a and wait on the queue 171 associated with the virtual room 161. Likewise, a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available. Thus, a customer calling in to the call-center, will see that particular room is manned and may make contact accordingly." (See Detailed Description, Col. 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Coussement's claimed invention by adding the step of monitoring an expected subject matter selection of a plurality of calls currently on hold within said hold system (as read on "*a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available*"), thus in this manner allowing a caller (or customer) to be better



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informed about the waiting time for a particular service (or subject matter) in the agent's skill area.

9. Claim 10 is an apparatus claim that correspond directly to method claim 3, and therefore is rejected under the same rationale.

10. Claims 13 and 17 are apparatus claims that correspond directly to method claim 6, and therefore are rejected under the same rationale.

11. Claim 22-24, 28-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coussement (US 2002/0055967) in view of Coussement (US 2002/0055975).

As for claim 22-24, Coussement (US 2002/0055967) discloses the invention as claimed, except for the step of outputting a call tracking number and network address to said caller, and responsive to detection of said calling tracking number entered through a caller accessible interface accessing said network address, transferring said plurality of characteristics to said caller accessible interface; the step of receiving a caller account identifier as said selected interface, and transferring said plurality of characteristics via a network in an electronic mail to an account server serving said caller account identifier; and the step of receiving a caller messaging identifier as said selected interface; and transferring said plurality of characteristics in an instant message to said caller messaging identifier via a network.

Coussement ('975) teaches "In one aspect of the method in step (a), client connection comprises a network appliance having instant messaging capability operationally coupled to the network. In one embodiment, the network appliance is a computer. In one aspect of the method in step (c), the instant message server optionally re-directs the client to the proxy server and relinquishes communication hosting. In one aspect of the method in step (d), the interaction results in at least client identification, version identification of instant message software used by the client, and a reason for requesting communication with a customer service representative. [...] In one aspect of the system, client-status information is obtained using a single protocol, such as ICQ.TM.. In another aspect of the system, partial client-status information is obtained using multiple protocols, such as ICQ.TM. and MSN Messenger Service.TM., and combined to provide complete client-status information to the subscribing agent. In one aspect of the system, client-status information is obtained via a single network, such as the Internet network. In another aspect of the system, partial client-status information is obtained via multiple networks, such as the Internet network and the cellular network, and combined to provide complete client-status information to the subscribing agent. [...] In addition to the above, element 139 is for viewing the status of individual agents as personal account managers, allowing a user to monitor calls holding for the agent, estimated hold time, and to submit a call-back request. Element 141 allows the user to initiate a variety of formats, as indicated. As can be seen in this example, interface 125 covers all of the functionality described in the embodiments introduced by FIGS. 1 and 4 above. ...every client subscribing to the system of the

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present invention is provided with at least an identification parameter (member ID number). In this way, data obtained and stored from internal and external sources is easily identifiable to a particular client. In addition, passwords and log-in requirements may be instituted depending on enterprise rules. Much profile information about clients may be automatically compiled using on-going historical data resulting from ongoing relationships with clients. Such data, if available, may automatically appear in the described Add/Edit Information section of interface 125 when first created. It is important to note herein that the data categories 127, 129, 131, and 133 may be populated using automatic interaction recording methods during communication center interaction events. Referring now to personal data category 127, this information is illustrated herein as divided into various basic subcategories. These subcategories are listed from top to bottom as: login name, password, address, and age, marital status, etc. Each category may be further divided into more subcategories as deemed appropriate. As data is automatically compiled about a client over time, the client's profile becomes more and more accurate.

Interface 125 enables a client to manually add or edit information at any time. " (See Summary of the Invention, P. 0037 and Description of the Preferred Embodiments, P. 0095 and 0165-0167).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Coussement ('967) by adding the use of a member ID number (i.e. call tracking number), a login name (i.e. call account identifier), and the use of version identification of instant message software used by the client (i.e. caller

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messaging identifier) in order to transfer client-status information (i.e. plurality of characteristics) to an interface (or PC) used by the client (or caller); as taught by Coussement ('975), and thus in this manner allow better routing of calls, faster delivery of calls and associated information, and improved service with regard to client satisfaction.

The Examiner takes notice that while not directly expressed on Coussement ('975), it is inherent that in order to route the caller requested information to PC (i.e. caller accessible interface), a network address (in this case an IP) is needed; and that when using MSN Messenger Service.TM, the caller can receive the requested information (i.e. plurality of characteristics) on an e-mail account under which the MSN Messenger Service.TM was registered.

12. Claims 28 and 33 are apparatus claims that correspond directly to method 22, and therefore are rejected under the same rationale.

13. Claims 29 and 34 are apparatus claims that correspond directly to method 23, and therefore are rejected under the same rationale.

14. Claims 30 and 35 are apparatus claims that correspond directly to method 24, and therefore are rejected under the same rationale

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Strickland et al. (US 5,956,024) teaches a graphical user interface for customer service representatives for subscriber management systems.

Polcyn (US 5,796,791) teaches a network based predictive dialer.

MacDonald et al. (US 5,867,572) teaches a customer queuing arrangement.

Lee (US 4,788,715) teaches a system and method for announcing wait times in a queuing system.

Constantini et al. (US 5,506,898) teaches an expected wait time indication arrangement.

Osamu (JP 4245754) teaches a data call queuing order display system.

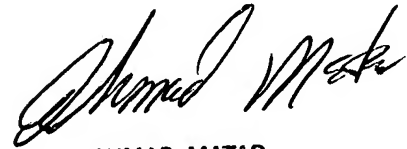
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles  
March 16, 2004.

A handwritten signature in black ink, appearing to read 'Ahmad Matar', is positioned above the printed name and title.

AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600